

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARTURO AMAYA, et al.,

Plaintiffs,

v.

SPARK ENERGY GAS, LLC, et al.,

Defendants.

Case No. [15-cv-02326-JSW](#)

**ORDER GRANTING LEAVE FOR
SUBMISSION OF SUPPLEMENTAL
EVIDENCE RE MOTION TO COMPEL
ARBITRATION**

Re: Dkt. No. 48

Defendant Spark Energy Gas, LLC, filed a motion to dismiss the claims of Plaintiff Arturo Amaya and compel arbitration of the claims of Plaintiff Barbara Gehrke.¹ In support of Plaintiffs' opposition to the motion to compel arbitration, Plaintiffs submitted the declaration of Theodore H. Chase, Esq., counsel for Plaintiffs in this case, attaching as Exhibit A "a true and correct copy of a Spark Welcome Letter addressed to Plaintiff Gehrke and the accompanying document titled Customer Disclosure Statement and Terms of Service." (Chase Decl. ¶ 3.) In reply, Defendant identified various defects in the Chase Declaration and Exhibit A thereto. (Reply at 2-4; *see also* Defendant's Response to Plaintiffs' Sur-Reply at 5-8.)

Given the record in this case and in the interests of justice, the Court, *sua sponte*, HEREBY GRANTS Plaintiffs one final opportunity to submit whatever competent declarations or other evidence they can, in good faith and consistent with their obligations under Rule 11 of the Federal Rules of Civil Procedure, in support of their contention that Chase Exhibit A is the only enforceable contract between Defendants and Plaintiff Gehrke. If any clerical or other errors were

¹ Defendant also moved to dismiss the claims of then-Plaintiff Margaret Smith. This motion, however, is moot in light of the November 18, 2015 notice of withdrawal of Plaintiff Smith. (Dkt. No. 53.)

1 made in the submission of Chase Exhibit A, this is also Plaintiffs' opportunity to address and
2 rectify them.

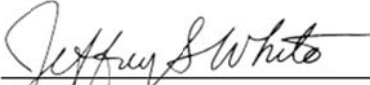
3 No later than February 3, 2016, Plaintiffs may submit any declarations or other evidence in
4 response to this order, accompanied by an optional supplemental brief of no more than five pages.

5 If Plaintiffs elect to file a response to this order, then Defendants may, no later than
6 February 12, 2016, file a supplemental reply of no more five pages in response Plaintiffs'
7 submission, accompanied, if appropriate, by rebuttal evidence.

8 In these supplemental submissions, the parties shall not revisit their arguments regarding
9 the evidence previously submitted. Rather, the parties shall address only whatever further
10 evidence Plaintiffs may submit pursuant to this order.

11 **IT IS SO ORDERED.**

12 Dated: January 20, 2016

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15 JEFFREY S. WHITE
16 United States District Judge
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